

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
December 1, 2008

D054141 People v. Thomas

The notice of appeal is premature because no appealable order or judgment has yet been entered. The appeal is DISMISSED without prejudice to refiling a notice of appeal after an appealable order or judgment has been entered.

D052466 People v. Jackson

The judgment is affirmed. Nares, Acting P.J.; We Concur: Haller, J., McIntyre, J.

D053708 Carson v. Winje

Upon filing a written abandonment of appeal, the appeal is dismissed and the remittitur is ordered to issue immediately.

D053707 Carson v. Kuester

Upon filing a written abandonment of appeal, the appeal is dismissed and the remittitur is ordered to issue immediately.

D054149 Dobron v. Superior Court of San Diego County/City National Bank

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
December 2, 2008

D051302 People v. Malo

The judgment is affirmed. Haller, J.; We Concur: Huffman, Acting P.J., Nares, J.

D053709 Carson v. Mays

Upon filing a written abandonment of appeal, the appeal is DISMISSED and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 8.244(c)(2).)

D053711 Carson v. Mays

Upon written request filed by appellant, the appeal is dismissed and the remittitur is ordered to issue immediately.

D053710 Carson v. Chilvers

Upon filing a written abandonment of appeal, the appeal is DISMISSED and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 8.244(c)(2).)

D053013 In re Nancy N. et al., Juveniles

The findings and orders are affirmed. McDonald, J.; We Concur: Benke, Acting P.J., Irion, J.

D051865 Thompson v. Namale West Inc., et al.

The order is affirmed. McIntyre, J.; We Concur: McConnell, P.J., Haller, J.

D052767 In re the Marriage of Kiko

D053396 In re the Marriage of Kiko

(Consolidate case) Upon filing a written abandonment of appeals, the consolidated appeals are dismissed and the remittitur is ordered to issue immediately.

D051972 People v. Sellers

The judgment is affirmed. McDonald, J.; We Concur: Benke, Acting P.J., Nares, J.

D051556 Greystone Homes, Inc. v. Midtec, Inc.

The judgment is reversed. The matter is remanded to the trial court with directions to deny Midtec's motion for summary judgment. On remand, the trial court is directed to consider Greystone's procedural objection to Midtec's alternative motion for summary adjudication. To the extent the trial court determines that it may consider Midtec's motion for summary adjudication on the merits, the trial court is directed to deny the motion as to Greystone's indemnity cause of action, to grant the motion as to Greystone's negligence cause of action, and to consider the motion as to Greystone's declaratory relief cause of action, all in accordance with the views expressed in this opinion. Each party is to bear its own costs on appeal. CERTIFIED FOR PUBLICATION. Aaron, J.; We Concur: McConnell, P.J., McDonald, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
December 2, 2008 (Continued)

D053250 People v. Gil

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 8.360(c)(5)(A).

The appeal is DISMISSED.

D054000 Nancy I. v. Superior Court Of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Nancy I. has notified the court that a petition for writ of mandate under California Rules of Court, rules 8.452 and 5.600 will not be filed as there are no viable issues for writ review. The case is DISMISSED.

D053886 L. D. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner L. D. has notified the court that a petition for writ of mandate under California Rules of Court, rules 8.452 and 5.600 will not be filed as there are no viable issues for writ review. The case is DISMISSED.

D053894 Marlon D. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Marlon D. has notified the court that a petition for writ of mandate under California Rules of Court, rules 8.452 and 5.600 will not be filed as there are no viable issues for writ review. The case as to Marlon D. is DISMISSED. Response to Arlene R.'s petition for extraordinary writ filed December 1, 2008 is due 15 days from the date of this order.

D054134 In re Adam on Habeas Corpus

The petition is denied.

D054098 In re Balentine on Habeas Corpus

The petition is denied.

D054097 In re Harris on Habeas Corpus

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
December 3, 2008

D051350 Allegretti & Company v. Heuberger et al.

The order is affirmed. O'Rourke, J.; We Concur: Huffman, Acting P.J., McDonald, J.

D053720 In re Faith J., a Juvenile

The appeal is dismissed. McConnell, P.J.; We Concur: Benke, J., McIntyre, J.

D053634 In re Sergio C., a Juvenile

The appeal is dismissed. Huffman, J.; We Concur: Benke, Acting P.J., Nares, J.

D050686 Brewer v. Premier Golf Properties

The judgment, insofar as it includes an award of punitive damages, is reversed, and the trial court shall on remand enter a new judgment striking the award of punitive damages. The award of attorney fees is reversed and remanded with instructions to reconsider the award of attorney fees in accordance with this opinion. In all other respects the judgment is affirmed. The parties shall bear their own costs on appeal. CERTIFIED FOR PARTIAL PUBLICATION. McDonald, J.; We Concur: McConnell, P.J., Aaron, J.

D053669 Jose O. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The petition is denied. Nares, Acting P.J.; We Concur: McDonald, J., McIntyre, J.

D052617 Brewer v. Premier Golf Properties

To ensure clarity, it is ordered that any and all iterations of the judgment in the underlying action, including but not limited to the judgment below resulting from the corrections entered on December 19, 2007, are (1) reversed insofar as the judgment includes an award of punitive damages, with directions that on remand the trial court shall enter a new judgment striking any award of punitive damages; (2) reversed insofar as the judgment includes an award of attorney fees, and on remand the trial court shall reconsider and enter a new award of attorney fees considering the opinion in Brewer I; and (3) in all other respects the judgment is affirmed. The parties shall bear their own costs on appeal. McDonald, J.; We Concur: McConnell, P.J., Aaron, J.

D052351 People v. Russell

The judgment is affirmed. McConnell, P.J.; We Concur: Haller, J., Aaron, J.

D053291 People v. Thompson

The judgment is affirmed. Irion, J.; We Concur: McConnell, P.J., McIntyre, J.

D051841 Brewer v. Premier Golf Properties

The order is affirmed. Brewer is entitled to costs on appeal. McDonald, J.; We Concur: McConnell, P.J., Aaron, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
December 4, 2008

D052661 In re Fabros on Habeas Corpus

The petition is denied.

D050715 People v. Fabros

The judgment is affirmed. O'Rourke, J.; We Concur: McConnell, P.J., Aaron, J.

D053425 In re Fernando S., a Juvenile

The judgment is affirmed. McIntyre, J.; We Concur: Nares, Acting P.J., Aaron, J.

D052134 Qassimyar v. Saenz et al.

The judgment is affirmed. O'Rourke, J.; We Concur: McConnell, P.J., Aaron, J.

D052424 Blazeovich v. Pearson et al. The judgment is affirmed. Respondents are entitled to their costs on appeal. Benke, Acting P.J., We Concur: Huffman, J., Haller, J.

D052715 In re Christian A., a Juvenile

The judgment is affirmed. Haller, J.; We Concur: Huffman, Acting P.J., O'Rourke, J.

D050580 People v. Butler

the judgment is affirmed. McDonald, Acting P.J.; We Concur: O'Rourke, J., Aaron, J.

D051143 Gonzalez et al. v. Bailey et al.

The petition for rehearing is denied.

D052444 People v. Cameron

The petition is denied. O'Rourke, J.; We Concur: McConnell, P.J., Aaron, J.

D053146 People v. Li

The judgment is affirmed. McConnell, P.J.; We Concur: Huffman, J., Haller, J.

D052162 Fraitag v. The Superior Court of California for the County of Imperial

The petition for rehearing is denied.

D054018 Johnson v. Superior Court of Imperial County/Department of Corrections and Rehabilitation

The request for permission to file a writ petition received on December 2, 2008, is denied. The petition filed on November 6, 2008, is dismissed.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
December 4, 2008 (Continued)

D054157 Rich v. Superior Court of San Diego County
The petition is denied.

D053268 Sloan v. Olowokere
Appellant's motion to vacate dismissal and reinstate appeal is granted.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
December 5, 2008

D052807 Coziahr v. Chula Vista Elementary School District

Upon written stipulation filed by the parties to the appeal, the appeal is dismissed and the remittitur is ordered to issue immediately.

D051230 New Hampshire Indemnity Co. v. Professional Claim Services, Inc.

The judgment is affirmed. PCS is entitled to costs on appeal. McConnell, P.J.; We Concur: O'Rourke, J., Aaron, J.

D052301 Seastrom et al. v. Neways Inc., et al.

Appeal is dismissed.

D052242 Mendoza v. Lane et al.

The petition for rehearing is denied.

D051803 Aranda et al. v. Teachers' Retirement Board of the State of California

The judgment of the trial court, denying appellants' writ of mandate, is affirmed. Respondent to recover its costs on appeal. Benke Acting P.J.; We Concur: Huffman, J., Nares, J.

D051511 Safaie v. Jacuzzi Whirlpool Bath Inc., et al.

The request for publication of the opinion is denied.

D054048 Oberts v. Hennington, Jr.

Because appellant did not timely pay the filing fee, the appeal is dismissed.

D050915 Crippen et al. v. Monroe et al.

The judgment is reversed. For the reasons stated in this opinion, we conclude the intent of the original grantor and grantees was for the improvement and use within the 30-foot-wide easement of a 20-foot-wide roadway, located equally on each side of the easement centerline. We therefore do not decide any other issue or issues between the parties in connection with the 30-foot-wide easement and remand the case for further proceedings consistent with this opinion. Plaintiffs are entitled to their costs on appeal. Benke, Acting P.J.; We Concur: Haller, J., McIntyre, J.

D054158 Percy A. v. Superior Court of San Diego County/San Diego County Health & Human Services Agency

The petition is denied.